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**PATENT APPLICATION**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Toshinori NAGAHASHI et al.

Group Art Unit: 2628

Application No.: 10/759,006

Examiner: J. LIOU

Filed: January 20, 2004

Docket No.: 118385

For: IMAGE EDITING DEVICE, METHOD FOR TRIMMING IMAGE, AND PROGRAM THEREFOR

**REQUEST FOR RECONSIDERATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the July 21, 2006 Office Action, reconsideration of the rejection is respectfully requested in light of the following remarks.

Claims 1-8 are pending in this application.

The Office Action rejects claims 1-3, 5 and 6 under 35 U.S.C. §103(a) over U.S. Patent No. 6,169,544 (Onoda) in view of U.S. Patent No. 5,430,832 (Imaizumi); and claims 4, 7 and 8 under 35 U.S.C. §103(a) over Onoda in view of Imaizumi and further in view of JP 2001-126070 (Tanaka). The rejections are respectfully traversed.

In particular, at pages 6 and 7 of the Office Action, the Examiner disagrees that the cited references do not disclose that "a user can designate the trimming range in any desirable shape," as previously argued by Applicants, because Imaizumi "discloses that the function of trimming an arbitrary area out of an image displayed on a screen [(see col. 3, lines 26-28 of Imaizumi).... also teaches that] the user can select this arbitrary [area] by setting modes [(see

Fig. 5 and col. 6, lines 32-40 of Imaizumi)). The Examiner further asserts that "[although Figs.] 12(a) to 14(f) of Imaizumi only disclose rectangular trimming frames, the figures are merely one example of the scope of invention. Thus, [the Examiner] believes the present amended claim invention of [the Applicants] has been disclosed by the cited [references]."

However, Applicants respectfully disagree with the Examiner's comments because what is disclosed by Imaizumi with respect to trimming shape is only a rectangle of arbitrary size.

Furthermore, "a noticing area error calculating section," as recited in claim 1 is also novel and unobvious in view of Onoda, Imaizumi and/or Tanaka.

The Office action asserts that Onoda discloses that a frame layout has an error calculating section for calculating the aspect ratio information of an image in the frame portion in the layout area or the template (see Fig. 2, col. 4, line 46 to col. 5, line 60 of Onoda). However, in summary, here Onoda merely discloses that aspect ratio information is judged automatically in accordance with an exposure state, and that the automatic judgment result is displayed on a monitor so that an operator may confirm the result. In contrast, the noticing area error calculating section of claim 1, and the calculating the notice area of claims 5 and 6, calculates a distribution ratio of the noticing area so that the noticing area may be included in the trimming scope that is selected by a user. The exposure area of Onoda is not the same as the noticing area of claims 1, 5 and 6 because the exposure area of Onoda merely corresponds to the original size of the image captured and developed in accordance with a predetermined format, e.g., 35 mm film, APS film, etc. The size and shape of the noticing area, as presently claimed, is not limited to such a predetermined common format.

The Office Action is using impermissible hindsight reasoning when asserting that Onoda teaches the noticing area error calculating section, as presently claimed.

Furthermore, there is an unobvious effect of accurate automatic trimming according to the features of the present claims.

For at least these reasons, it is respectfully submitted that the independent claims are distinguishable over the applied art. The dependent claims are likewise distinguishable over the applied art for at least the reasons discussed as well as for the additional features they recite. Withdrawal of the rejections is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:LMS/hs

Date: October 23, 2006

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